

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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IN RE:	:
	:
TERRORIST ATTACKS ON	:
SEPTEMBER 11, 2001	:
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MEMORANDUM DECISION
AND ORDER
03 MDL 1570 (GBD) (SN)

GEORGE B. DANIELS, United States District Judge:

In response to Magistrate Judge Sarah Netburn’s Opinion & Order dated September 21, 2022, (Opinion and Order, ECF No. 8544), Kreindler & Kreindler LLP filed a motion by proposed order to show cause for a stay pending resolution of objections pursuant to Federal Rule of Civil Procedure 72(a), (Proposed Order to Show Cause with Emergency Relief, ECF No. 8607). Kreindler & Kreindler has also requested, and has been granted, an extension until October 21, 2022 to file objections to Magistrate Judge Netburn’s Opinion and Order. (*See* Memo Endorsement, ECF No. 8553.)

Kreindler & Kreindler’s motion by proposed order to show cause is procedurally improper under Local Rule 6.1. Except for some discovery motions, Local Rule 6.1 requires that a moving party bring “all civil motions, petitions, and applications” by a notice of motion, allowing for opposition filings within 14 days of service of the moving papers. *See* Local Rule 6.1(b). Local Rule 6.1 also provides:

No *ex parte* order, or order to show cause to bring on a motion, will be granted except upon a clear and specific showing by affidavit of good and sufficient reasons why a procedure other than by notice of motion is necessary, and stating whether a previous application for similar relief has been made.

Local Rule 6.1(d). Kreindler & Kreindler has failed to provide any “clear and specific showing” of “good and sufficient reasons” for a procedure requiring the consideration of the

Magistrate Judge's ruling on such an expedited basis. *Cf. id.* Kreindler & Kreindler's Memorandum of Law and the Declaration of Andrew Maloney cite "immediate and irreparable injury" in a conclusory manner, (*see* Brief on Proposed Order, ECF No. 8608, at 1; and Declaration of Maloney, ECF No. 8610, at ¶1), but they fail to demonstrate any exigency as to "why a procedure other than by notice of motion is necessary," *see* Local Rule 6.1(d). Defendant is "entitled to a proper opportunity to respond," and both parties "are entitled to the Court's careful consideration, particularly where . . . familiarity with the enormous record in this case may prove quite important." *See Chevron Corp. v. Donziger*, 37 F. Supp. 3d 650, 652 (S.D.N.Y. 2014). Here, Kreindler & Kreindler has failed to provide "a sufficient showing of likely irreparable injury in the period between the making of the motion [by proposed order to show cause] and its disposition on a schedule consistent with the rules." *Id.* (emphasis omitted).


Therefore, Kreindler & Kreindler's motion by proposed order to show cause for a stay is DENIED without prejudice.

Regarding the forthcoming Rule 72(a) objections to Judge Netburn's Opinion and Order, upon full briefing and submission, this Court is prepared to hear oral argument on December 8, 2022 at 10:00 a.m.

The Clerk of the Court is directed to close the open letter motion at ECF No. 8609.

Dated: October 17, 2022
New York, New York

SO ORDERED.


GEORGE B. DANIELS
United States District Judge